GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA

UNSTARRED QUESTION NO:3193
ANSWERED ON:16.03.2016
Criteria for Referring Cases to CBI
Devi Smt. Rama;Khaire Shri Chandrakant Bhaurao

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

(a) the criteria/norms fixed for referring cases for CBI investigation;

(b) the criteria/norms CBI has followed for closure of cases after investigation;

(c) the number of cases referred to CBI on the basis of the fixed norms/criteria for investigation during the last two years and the current year and the number of cases in which closure reports have been submitted; and

(d) whether flouting of norms/criteria has been noticed during the above period and if so, the details thereof?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office. (DR. JITENDRA SINGH)
(a): CBI is authorized to conduct investigation into the offences notified by the Central Government under Section 3 of the Delhi Special Police Establishment Act, 1946.While investigation of the said offences may be taken up in the Union Territories, a notification from the Central Government is required to be issued under section 5 of the DSPE Act, 1946 with the consent of the State Government concerned under Section 6 of the said Act to enable investigation to be conducted in the territories of different States.
Besides the above, the Supreme Court of India and the High Courts may also direct investigation or enquiry by CBI under powers vested with them by the Constitution of India. In such cases, the consent or notification of the Central/State Government concerned is not required.
In order to streamline the processing of the cases and to enable examination of the feasibility of undertaking investigation by CBI, guidelines have been circulated to State Governments for making reference for CBI investigation / enquiry.
(b): After registration of a case under Section 154 Cr. PC, CBI conducts investigation and collects evidence to substantiate the allegations levelled in the FIR. In certain cases, the allegations are either not established or evidence gathered is found insufficient to prove the allegations. In such cases while submitting Police Report to the competent Court under Section 173 Cr.PC, CBI recommends closure of the case stating the reasons as mentioned above. On the basis of such Police Report, the Court passes orders for closing the case. At times, the Court issues directions to conduct further investigation on certain points as it deems fit. Accordingly, further investigation is conducted and Police Report is again submitted to the Court for passing appropriate orders.
Contdâ€¦2/-

(c) & (d) The number of Regular cases [RC] and Preliminary Enquiries [PE] referred to CBI for investigation during the last two years and the current year and out of these the number of cases closed are as under :-

Year	Cases [RC+PE] referred by High Court and Supreme Court (Out of Col. 2 & 3)	Cases [RC+PE] referred by State Govt.	Cases closed [RC+PE]
1	2	3	4
2014	175	32	29
2015	292	34	12
2016 (upto 31.1.2016)	15	2	0

CBI functions within an explicit and well established legal and procedural framework. Cases are taken up for investigation by CBI strictly as per the provisions of DSPE Act 1946, directions of the Constitutional Courts and extant guidelines in this regard.

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